

Message

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**From:** Rashid G. Hallaway [rhallaway@hhqventures.com]  
**Sent:** 11/2/2017 3:26:00 PM  
**To:** Bennett, Tate [Bennett.Tate@epa.gov]  
**Subject:** Re: CPP Repeal Public Hearing Announcement

Thanks so much.

Sent from my iPad

On Nov 2, 2017, at 10:42 AM, Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)> wrote:

As of now

On Nov 2, 2017, at 10:32 AM, Rashid G. Hallaway <[rhallaway@hhqventures.com](mailto:rhallaway@hhqventures.com)> wrote:

Thank you. Is this the only public hearing?

Sent from my iPhone

On Nov 2, 2017, at 9:25 AM, Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)> wrote:

Begin forwarded message:

**From:** "Gunasekara, Mandy"  
<[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>  
**Date:** November 2, 2017 at 9:21:21 AM EDT  
**To:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>, "Gordon, Stephen" <[gordon.stephen@epa.gov](mailto:gordon.stephen@epa.gov)>, "Lyons, Troy" <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>, "Palich, Christian" <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>, "Ringel, Aaron" <[ringel.aaron@epa.gov](mailto:ringel.aaron@epa.gov)>, "Cory, Preston (Katherine)" <[Cory.Preston@epa.gov](mailto:Cory.Preston@epa.gov)>  
**Cc:** "Bowman, Liz" <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>, "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** CPP Repeal Public Hearing Announcement

Hi All- the plan is to go live with the public hearing announcement at 10 this morning. I'll send around the notice in a sec.

The details:

Charleston, West Virginia on the Capital complex  
NOV 28-29  
Details for how to participate will be included in the Fr publication (which is imminent).

Sent from my iPhone

Message

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**From:** Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]  
**Sent:** 11/2/2017 1:54:45 PM  
**To:** Bowman, Liz [Bowman.Liz@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Cory, Preston (Katherine) [Cory.Preston@epa.gov]  
**CC:** Jackson, Ryan [jackson.ryan@epa.gov]  
**Subject:** RE: CPP Repeal Public Hearing Announcement  
**Attachments:** CPP Hearing Announcement 11-02-2017.pdf

Great quote.

Attached for edification is the final signed FR notice. This should be live by 10 or a little after.

-----Original Message-----

From: Bowman, Liz  
Sent: Thursday, November 2, 2017 9:45 AM  
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>  
Cc: Jackson, Ryan <jackson.ryan@epa.gov>  
Subject: RE: CPP Repeal Public Hearing Announcement

If we get asked about this by press, I would propose the following response:

"We are holding this hearing in the heart of coal country, so those most affected by the so called 'Clean Power Plan' have a chance for their voice to be heard."

-----Original Message-----

From: Gunasekara, Mandy  
Sent: Thursday, November 2, 2017 9:21 AM  
To: Bennett, Tate <Bennett.Tate@epa.gov>; Gordon, Stephen <gordon.stephen@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>  
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
Subject: CPP Repeal Public Hearing Announcement

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Sent from my iPhone

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 60****[EPA-HQ-OAR-2017-0355; FRL-            ]****RIN 2060-AT55****Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule; notice of public hearing and extension of comment period.

**SUMMARY:** On October 16, 2017, the Environmental Protection Agency (EPA) published a notice to announce its proposal to repeal the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, commonly referred to as the Clean Power Plan (CPP), as promulgated on October 23, 2015. The notice also requested public comment on the proposed rule. The EPA is announcing that a public hearing will be held. In addition, the EPA is extending the public comment period.

**DATES:** The public hearing for the proposed rule (82 FR 48035) will be held November 28 and 29, 2017. The deadline for accepting written comments is being extended by 32 days to January 16, 2018.

**ADDRESS:** The public hearing will be held on November 28 and 29, 2017, at the West Virginia Capitol Complex, 1900 Kanawha Boulevard East, Charleston, West Virginia 25305. The hearing will convene at 9:00 a.m. (Eastern Standard Time) and will conclude at 5:00 p.m. (Eastern Standard Time). If the EPA receives a high volume of requests, we may continue the public hearing to November 30, 2017, at the Capitol Complex. The EPA may also hold an additional

hearing to be announced at a later date. The EPA will make every effort to accommodate all speakers. The EPA's Web site for the rulemaking, which includes the proposal and information about the hearing, can be found at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>. Written comments on the proposed rule may be submitted to the EPA electronically, by mail, by facsimile or through hand delivery/courier. Please refer to the proposal (82 FR 48035) for the addresses and detailed instructions.

**HOW TO REGISTER:** If you would like to present oral testimony at the public hearing, registration will begin on **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. The last day to register to present oral testimony will be November 16, 2017. To register to speak at the hearing, please use the online registration form available at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan> or contact Tanya Johnson at (888) 627-7764; email address: [airaction@epa.gov](mailto:airaction@epa.gov). We request the following information: the time you wish to speak (morning or afternoon), name, affiliation, email address, and telephone number. If you require the service of a translator or accommodation, please let us know at the time of registration. Once registration closes, the EPA will allocate available morning and afternoon pre-registered speaking slots and confirm those via email starting on November 17, 2017. Please note that updates made to any aspect of the hearing will be posted online at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>. While the EPA expects the hearing to go forward as set forth above, it asks that you monitor its Web site or contact Tanya Johnson at (888) 627-7764; email address [airaction@epa.gov](mailto:airaction@epa.gov) to determine if there are

any updates to the information on the hearing. The EPA does not intend to publish a notice in the **Federal Register** announcing any such updates.

Questions concerning the proposed rule that was published in the **Federal Register** on October 16, 2017, should be addressed to Mr. Peter Tsirigotis, Office of Air Quality Planning and Standards, Sector Policies and Programs Division (D205-01), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (888) 627-7764; email address: *airaction@epa.gov*.

**SUPPLEMENTAL INFORMATION:** The proposal for which the EPA is holding the public hearing was published in the **Federal Register** on October 16, 2017, and is available at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan> and also in the docket identified below. The public hearing will provide interested parties the opportunity to present oral comments regarding the EPA's proposed repeal, including data, views, or arguments concerning the proposal. The EPA may ask clarifying questions during the oral presentations, but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing. The period for providing written comments to the EPA will remain open until January 16, 2018.

Once the EPA learns how many people have registered to speak at the public hearing, it will allocate speaking times, allowing time for necessary breaks. In addition, a block of time will be reserved for anyone in the audience who wants to give testimony. For planning purposes, each speaker should anticipate speaking for no more than 5 minutes, although we might need to

**Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric  
Utility Generating Units**

Page 4 of 4

shorten that time if there is a large turnout. The EPA encourages commenters to submit to the docket a copy of their testimony electronically (via email or CD) or in hard copy form.

The public hearing schedule, including lists of speakers, will be posted on the EPA's Web site at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>. Verbatim transcripts of the hearing and written statements will be included in the docket for the rulemaking. The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearing to run either ahead of schedule or behind schedule.

*How can I get copies of this document and other related information?*

The EPA has established a docket for the proposed rule, "Repeal of Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units" under Docket ID No. EPA-HQ-OAR-2017-0355, available at: <http://www.regulations.gov>.

NOV 02 2017

Dated: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Scott Pruitt", written over a horizontal line.

E. Scott Pruitt,  
Administrator.

Message

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**From:** Charles Grizzle [grizzle@grizzleco.com]  
**Sent:** 11/2/2017 1:44:32 PM  
**To:** Bennett, Tate [Bennett.Tate@epa.gov]  
**Subject:** Re: CPP Repeal Public Hearing Announcement

Thanks.

On Nov 2, 2017, at 9:31 AM, Bennett, Tate wrote:

FYI

Begin forwarded message:

**From:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Date:** November 2, 2017 at 9:25:27 AM EDT  
**To:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Subject:** Fwd: CPP Repeal Public Hearing Announcement

Begin forwarded message:

**From:** "Gunasekara, Mandy" <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>  
**Date:** November 2, 2017 at 9:21:21 AM EDT  
**To:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>, "Gordon, Stephen" <[gordon.stephen@epa.gov](mailto:gordon.stephen@epa.gov)>, "Lyons, Troy" <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>, "Palich, Christian" <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>, "Ringel, Aaron" <[ringel.aaron@epa.gov](mailto:ringel.aaron@epa.gov)>, "Cory, Preston (Katherine)" <[Cory.Preston@epa.gov](mailto:Cory.Preston@epa.gov)>  
**Cc:** "Bowman, Liz" <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>, "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
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The details:

Charleston, West Virginia on the Capital complex  
NOV 28-29  
Details for how to participate will be included in the Fr publication (which is imminent).

Sent from my iPhone

Charles L. Grizzle  
Chairman  
The Grizzle Company  
1701 Pennsylvania Ave, NW  
Suite 300  
Washington, D.C. 20006  
202-234-2101 (main)  
202-349-1468 (direct)  

Ex. 6 Personal Privacy (PP)

 (mobile)

Message

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**From:** Viator, Brad [BViator@eei.org]  
**Sent:** 11/2/2017 1:33:53 PM  
**To:** Bennett, Tate [Bennett.Tate@epa.gov]  
**Subject:** RE: CPP Repeal Public Hearing Announcement

Thanks for sharing.

---

**From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]  
**Sent:** Thursday, November 02, 2017 9:32 AM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>  
**Subject:** Fwd: CPP Repeal Public Hearing Announcement

This email originated from an external sender. Use caution before clicking links or opening attachments. For more information, visit [The Grid](#). Questions? Please contact [ITSupport@eei.org](mailto:ITSupport@eei.org) or ext. 5100.

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FYI

Begin forwarded message:

**From:** "Bennett, Tate" <Bennett.Tate@epa.gov>  
**Date:** November 2, 2017 at 9:25:27 AM EDT  
**To:** "Bennett, Tate" <Bennett.Tate@epa.gov>  
**Subject:** Fwd: CPP Repeal Public Hearing Announcement

Begin forwarded message:

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**Date:** November 2, 2017 at 9:21:21 AM EDT  
**To:** "Bennett, Tate" <Bennett.Tate@epa.gov>, "Gordon, Stephen" <gordon.stephen@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Palich, Christian" <palich.christian@epa.gov>, "Ringel, Aaron" <ringel.aaron@epa.gov>, "Cory, Preston (Katherine)" <Cory.Preston@epa.gov>  
**Cc:** "Bowman, Liz" <Bowman.Liz@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>  
**Subject:** CPP Repeal Public Hearing Announcement

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NOV 28-29

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Sent from my iPhone

Message

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**From:** Brennan, Thomas [Brennan.Thomas@epa.gov]  
**Sent:** 11/2/2017 1:28:36 PM  
**To:** Bennett, Tate [Bennett.Tate@epa.gov]  
**CC:** Dewey, Amy [Dewey.Amy@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]  
**Subject:** Re: CPP Repeal Public Hearing Announcement

10 AM. Got it.

Sent from my iPhone

On Nov 2, 2017, at 9:22 AM, Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)> wrote:

Please begin to reach out

Begin forwarded message:

**From:** "Gunasekara, Mandy" <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>  
**Date:** November 2, 2017 at 9:21:21 AM EDT  
**To:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>, "Gordon, Stephen" <[gordon.stephen@epa.gov](mailto:gordon.stephen@epa.gov)>, "Lyons, Troy" <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>, "Palich, Christian" <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>, "Ringel, Aaron" <[ringel.aaron@epa.gov](mailto:ringel.aaron@epa.gov)>, "Cory, Preston (Katherine)" <[Cory.Preston@epa.gov](mailto:Cory.Preston@epa.gov)>  
**Cc:** "Bowman, Liz" <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>, "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
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Charleston, West Virginia on the Capital complex  
NOV 28-29

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Sent from my iPhone

Message

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**From:** Kevin Condon [kcondon@iowarec.org]  
**Sent:** 11/29/2017 6:46:47 PM  
**To:** Bennett, Tate [Bennett.Tate@epa.gov]  
**CC:** Hupp, Millan [hupp.millan@epa.gov]  
**Subject:** Re: Some questions from Iowa

Understood. No worries.

Kevin Condon  
Iowa RECs

Ex. 6 Personal Privacy (PP)

On Nov 29, 2017, at 12:21 PM, Bennett, Tate <Bennett.Tate@epa.gov> wrote:

No- if they want to talk to him about these before hand, that's fine. Way too specific for a fireside chat. Sorry :)

On Nov 29, 2017, at 12:42 PM, Kevin Condon <kcondon@iowarec.org> wrote:

Thank you....just a few more from our Regulatory Team to consider:

1. Does the Clean Air Act give the EPA the authority to regulate carbon emitted from electric generation facilities?
2. Given the United Supreme Court Order (Massachusetts vs. EPA) regarding the regulation of carbon on vehicles will the current EPA regulate carbon from vehicles and from electric generating facilities?
3. If so, what are the main policy elements of this carbon regulation?
4. How will these regulations take into account the remaining life of existing electric generating facilities?

Also, how about this idea...what if Gulliford introduces Pruitt and then turns the moderating over to Chuck instead of a 3-way chat?

Kevin Condon  
Iowa Association of Electric Cooperatives

Ex. 6 Personal Privacy (PP)

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**From:** Bennett, Tate [mailto:Bennett.Tate@epa.gov]  
**Sent:** Wednesday, November 29, 2017 10:07 AM  
**To:** Kevin Condon <kcondon@iowarec.org>; Hupp, Millan <hupp.millan@epa.gov>  
**Subject:** RE: Some questions from Iowa

Looks like Jay Morrison's handiwork below...

**Questions for Administrator Pruitt**

Personal/Job Related

- As an introduction to Iowa REC members, please tell us a little about yourself and your family.
- How did being Oklahoma's Attorney General help prepare you for this role?
- What do you miss about being AG?

- What do you like most about being Administrator?
- What has it been like to work with President Trump?
- ~~How often do you get back to Oklahoma?~~

#### Regulatory

- Do you have an update to share with us on WOTUS? Please describe the recent action you took on WOTUS regarding the 2015 rule and what the impacts might be on RECs across the country.
- The EPA had a field hearing earlier this week on the repeal of the CPP, is there any initial thoughts you have on the testimony heard in West Virginia? Can you share with us what the next steps regarding the CPP will be?
- As you know, our national association, the NRECA, is supportive of some replacement of the CPP with a more reasonable approach. What is the process underway to get achievable regulations in place in the next few years?
- ~~Is it accurate that much of the country is within emissions set under the CPP? If so, doesn't that negate the need for the plan anyway? And doesn't that lead to the larger question of "do we need government intervention in the energy marketplace at all" with regards to renewable energy?~~
- What are some of your upcoming regulatory action items that might be of importance to REC members?

#### Media

- The media often utilizes narrow definitions of "environmentalism" and "environmentalist." How do you define true environmentalism?
- What does the media forget to include in stories written about the work being done at EPA?

#### Miscellaneous

- What do you want 500-plus rural Iowans to walk away from this conversation knowing about you/EPA/Trump Administration?

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**From:** Kevin Condon [<mailto:kcondon@iowarec.org>]

**Sent:** Tuesday, November 28, 2017 5:51 PM

**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>

**Subject:** RE: Some questions from Iowa

Tate & Millan:

Wanted to run the attached documents with questions by you for feedback. Please review closely.

Also, just to verify...

- Only Chuck and the Administrator will be on stage from 9:15 to 10 AM, correct?
- If so, have you all informed Gulliford/Chu that this will be the case?
- We are not issuing a media advisory and neither will EPA, correct?
- Due to the cancellation of the press gaggle at 10 AM, we have moved up the interview with the Living with Energy Magazine staff. Is that acceptable?

Thanks!

KC

Kevin Condon  
Iowa Association of Electric Cooperatives

Ex. 6 Personal Privacy (PP)

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**From:** Bennett, Tate [<mailto:Bennett.Tate@epa.gov>]

**Sent:** Monday, November 27, 2017 4:49 PM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Kevin Condon <[kcondon@iowarec.org](mailto:kcondon@iowarec.org)>

**Subject:** RE: Some questions from Iowa

If he did it wasn't from me. See below list of proposed questions. I actually don't think Jim needs to be on stage, but can he sit up front/get acknowledged by Chuck?

Everyone is invited to attend the 1 PM event at Cousers. They need to RSVP (see email I bcc'd you on earlier today) to [Gordon.stephen@epa.gov](mailto:Gordon.stephen@epa.gov)

The Governor is attending the Couser event so yes she knows. Unsure on the rest of the delegation who will not be attending but they surely know .

List of questions:

- Do you have an update on WOTUS? Describe the recent action you took on WOTUS regarding the 2015 rule
- The media often utilizes narrow definitions of "environmentalism" and "environmentalist." How do you define true environmentalism?
- What has it been like to work with President Trump?
- What are some of your upcoming regulatory action items?

---

**From:** Hupp, Millan

**Sent:** Monday, November 27, 2017 5:42 PM

**To:** Kevin Condon <[kcondon@iowarec.org](mailto:kcondon@iowarec.org)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>

**Subject:** RE: Some questions from Iowa

Kevin,

Were we able to answer these questions for you?

Thank you,

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov) Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

---

**From:** Kevin Condon [<mailto:kcondon@iowarec.org>]

**Sent:** Monday, November 20, 2017 3:26 PM

**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>

**Subject:** Some questions from Iowa

Hello Friends:

I have a few questions from our events people regarding the visit on 12/1.

- 1) Does Regional Administrator Gulliford know that he will be appearing on stage with Administrator Pruitt in a discussion moderated by my boss, Chuck Soderberg? Didn't want to assume that wasn't our responsibility.
- 2) While no media is allowed in the General Session for the "fireside chat", do we have permission to record it to be posted for attendees later?
- 3) While we have not publicized Administrator Pruitt's attendance, will there be a media advisory prior to his arrival indicating he is coming to Iowa for either the IAEC Annual Meeting or the Couser Cattle Company visit or both?
- 4) Do you all have a list of questions that we can use as a foundation for those that my boss will use while moderating? If not, myself and our Regulatory Director would likely draft some questions to use.
- 5) Will anyone from the IAEC and/or our Board of Directors be invited to attend the meeting at the Couser Farm later that day?
- 6) Is the Administrator planning on informing the Governor and members of the Iowa Congressional Delegation that he will be here?

That all for now! Thanks much!

KC

**Kevin Condon**

Director of Government Relations

8525 Douglas Ave. | Suite 48

Des Moines, IA | 50322-2992

Office 515.727.8942 | Cell Ex. 6 Personal Privacy (PP)

[kcondon@iowarec.org](mailto:kcondon@iowarec.org) | [www.iowarec.org](http://www.iowarec.org)

<image001.jpg>

"This may contain information that is confidential or privileged. If you are not the addressee indicated in this message (or responsible for delivery of this message to such person), you should not copy or deliver this message to anyone or make any other use of the information set forth herein. In such case, you should destroy this message and notify the sender by telephone or e-mail."

Message

**From:** Jackson, Ryan [jackson.ryan@epa.gov]  
**Sent:** 10/20/2017 3:26:10 PM  
**To:** Bowman, Liz [Bowman.Liz@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]  
**CC:** Dominguez, Alexander [dominguez.alexander@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]  
**Subject:** RE: CPP Repeal Rule Hearing

Absolutely.

-----Original Message-----

From: Bowman, Liz  
Sent: Friday, October 20, 2017 11:21 AM  
To: Palich, Christian <palich.christian@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>  
Cc: Dominguez, Alexander <dominguez.alexander@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>  
Subject: RE: CPP Repeal Rule Hearing

Let's send a letter from SP to Capito on this...i think

**Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

-----Original Message-----

From: Palich, Christian  
Sent: Friday, October 20, 2017 10:42 AM  
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>  
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>  
Subject: RE: CPP Repeal Rule Hearing

I am happy to reach out to Senator Capito and relay the message.

Best Regards,

Christian R. Palich  
Deputy Associate Administrator  
Office of Congressional & Intergovernmental Affairs U.S Environmental Protection Agency  
O: 202.564.4944  
C: [Ex. 6 Personal Privacy (PP)]  
E: Palich.Christian@epa.gov

-----Original Message-----

From: Gunasekara, Mandy  
Sent: Friday, October 20, 2017 9:31 AM  
To: Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>  
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
Subject: CPP Repeal Rule Hearing

Team OCIR and OPE:

We need to give a heads up to all the good folks of West Virginia that we are having the Repeal Rule public hearing in Charleston, WV. Below are the tentative details. Whoever talks to Sen. Capito gets extra points if you remind her that while previous administrations have expressed a level of discomfort in WV, we are very comfortable going there to talk about these regulatory actions.

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Let me know if you have any questions.

Best,  
Mandy

Sent from my iPhone

Message

---

**From:** Ringel, Aaron [ringel.aaron@epa.gov]  
**Sent:** 10/20/2017 3:20:37 PM  
**To:** Palich, Christian [palich.christian@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]  
**CC:** Bowman, Liz [Bowman.Liz@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]  
**Subject:** RE: CPP Repeal Rule Hearing

I'll reach out to Reps. Jenkins, McKinley, and Mooney as well.

-Aaron

-----Original Message-----

From: Palich, Christian  
Sent: Friday, October 20, 2017 10:42 AM  
To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>  
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>  
Subject: RE: CPP Repeal Rule Hearing

I am happy to reach out to Senator Capito and relay the message.

Best Regards,

Christian R. Palich  
Deputy Associate Administrator  
Office of Congressional & Intergovernmental Affairs U.S Environmental Protection Agency  
O: 202.564.4944  
C: Ex. 6 Personal Privacy (PP)  
E: Palich.Christian@epa.gov

-----Original Message-----

From: Gunasekara, Mandy  
Sent: Friday, October 20, 2017 9:31 AM  
To: Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>  
Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>  
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Let me know if you have any questions.

Best,  
Mandy

Sent from my iPhone

Message

---

**From:** Gordon, Stephen [gordon.stephen@epa.gov]  
**Sent:** 10/20/2017 3:04:53 PM  
**To:** Palich, Christian [palich.christian@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]  
**Subject:** RE: CPP Repeal Rule Hearing

Ok great, will do.

---

**From:** Palich, Christian  
**Sent:** Friday, October 20, 2017 11:04 AM  
**To:** Gordon, Stephen <gordon.stephen@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>  
**Subject:** RE: CPP Repeal Rule Hearing

Happy to help anytime. Also I would definitely loop in Jerry Mullins at NMA to help wrangle folks.

[jmullins@nma.org](mailto:jmullins@nma.org)

Christian R. Palich  
*Deputy Associate Administrator*  
*Office of Congressional & Intergovernmental Affairs*  
*U.S Environmental Protection Agency*  
*O: 202.564.4944*  
C: Ex. 6 Personal Privacy (PP)  
E: [Palich.Christian@epa.gov](mailto:Palich.Christian@epa.gov)

---

**From:** Gordon, Stephen  
**Sent:** Friday, October 20, 2017 10:59 AM  
**To:** Palich, Christian <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Subject:** RE: CPP Repeal Rule Hearing

Awesome, thanks so much Christian!

-Stephen

---

**From:** Palich, Christian  
**Sent:** Friday, October 20, 2017 10:58 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Gordon, Stephen <[gordon.stephen@epa.gov](mailto:gordon.stephen@epa.gov)>  
**Subject:** FW: CPP Repeal Rule Hearing

Forgot a big one and just remembered, see below.

Travis Deti (President, Wyoming Mining Association): [tdeti@wyomingminning.org](mailto:tdeti@wyomingminning.org)

Christian R. Palich  
*Deputy Associate Administrator*  
*Office of Congressional & Intergovernmental Affairs*  
*U.S Environmental Protection Agency*  
*O: 202.564.4944*

C: Ex. 6 Personal Privacy (PP)

E: [Palich.Christian@epa.gov](mailto:Palich.Christian@epa.gov)

---

**From:** Palich, Christian

**Sent:** Friday, October 20, 2017 10:49 AM

**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>

**Cc:** Gordon, Stephen <[gordon.stephen@epa.gov](mailto:gordon.stephen@epa.gov)>

**Subject:** RE: CPP Repeal Rule Hearing

Hi Tate,

See below for names and emails, happy to help if you need anything further. Have a terrific weekend!

Rachel Gleason (President, PA Coal Alliance): [gleason@pacoal.org](mailto:gleason@pacoal.org)

Bruce Stevens (President, Indiana Coal Council): [bruce@indianacoal.com](mailto:bruce@indianacoal.com)

Phil Gonet (President, Illinois Coal Association): Ex. 6 Personal Privacy (PP)

Tyler White (President, Kentucky Coal Association): [twhite@kentuckycoal.com](mailto:twhite@kentuckycoal.com)

Chuck Laine (President, Tennessee Mining Association): [claine@laine-com.com](mailto:claine@laine-com.com)

George Barber (President, Alabama Coal Association): [george@alcoal.com](mailto:george@alcoal.com)

Stan Dempsey (President, Colorado Mining Association): [sdempsey@coloradomining.org](mailto:sdempsey@coloradomining.org)

Bill Raney (President, WV Coal Association): [braney@wvcoal.com](mailto:braney@wvcoal.com)

Christian R. Palich

*Deputy Associate Administrator*

*Office of Congressional & Intergovernmental Affairs*

*U.S Environmental Protection Agency*

*O: 202.564.4944*

C: Ex. 6 Personal Privacy (PP)

E: [Palich.Christian@epa.gov](mailto:Palich.Christian@epa.gov)

---

**From:** Bennett, Tate

**Sent:** Friday, October 20, 2017 9:56 AM

**To:** Palich, Christian <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>

**Cc:** Gordon, Stephen <[gordon.stephen@epa.gov](mailto:gordon.stephen@epa.gov)>

**Subject:** Fwd: CPP Repeal Rule Hearing

Hi there, Christian! Do you by chance have an aggregate list of all the coal assn presidents and their e-mails? Maybe there is a glossary somewhere?

If not, no worries and maybe Stephen can put one together. I'm sure NMA will be weird and not give us one, which is why I'm reaching out to you first since you are an alum of that world. :)

Stephen- I'd also

Ex. 5 Deliberative Process (DP)

Thank you both!

Sent from my iPad

Begin forwarded message:

**From:** "Gunasekara, Mandy" <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>

**Date:** October 20, 2017 at 8:30:34 AM CDT

**To:** "Lyons, Troy" <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>, "Ringel, Aaron" <[ringel.aaron@epa.gov](mailto:ringel.aaron@epa.gov)>, "Palich, Christian" <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>, "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>

**Cc:** "Bowman, Liz" <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>, "Dominguez, Alexander" <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>, "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>

**Subject:** CPP Repeal Rule Hearing

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Let me know if you have any questions.

Best,  
Mandy

Sent from my iPhone

Message

---

**From:** Gordon, Stephen [gordon.stephen@epa.gov]  
**Sent:** 10/20/2017 1:54:18 PM  
**To:** Bennett, Tate [Bennett.Tate@epa.gov]  
**Subject:** RE: CPP Repeal Rule Hearing

Yes no problem, will do.

---

**From:** Bennett, Tate  
**Sent:** Friday, October 20, 2017 9:53 AM  
**To:** Gordon, Stephen <gordon.stephen@epa.gov>  
**Subject:** Fwd: CPP Repeal Rule Hearing

Can you huddle with Amy

**Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

Sent from my iPad

Begin forwarded message:

**From:** "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>  
**Date:** October 20, 2017 at 8:30:34 AM GMT-5  
**To:** "Lyons, Troy" <lyons.troy@epa.gov>, "Ringel, Aaron" <ringel.aaron@epa.gov>, "Palich, Christian" <palich.christian@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>  
**Cc:** "Bowman, Liz" <Bowman.Liz@epa.gov>, "Dominguez, Alexander" <dominguez.alexander@epa.gov>, "Jackson, Ryan" <jackson.ryan@epa.gov>  
**Subject:** CPP Repeal Rule Hearing

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Let me know if you have any questions.

Best,  
Mandy

Sent from my iPhone

Message

---

**From:** Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]  
**Sent:** 11/2/2017 4:51:40 PM  
**To:** Gordon, Stephen [gordon.stephen@epa.gov]  
**Subject:** Re: EPA Announces Public Hearing on Proposed Repeal of Clean Power Plan

I can't even

On Nov 2, 2017, at 12:40 PM, Gordon, Stephen <[gordon.stephen@epa.gov](mailto:gordon.stephen@epa.gov)> wrote:

Great, thank you so much Amy!

Stephen L. Gordon Jr.  
Deputy Director for Public Engagement  
Office of the Administrator  
U.S. Environmental Protection Agency  
(202) 564-1301  
[Gordon.Stephen@epa.gov](mailto:Gordon.Stephen@epa.gov)

---

**From:** Dewey, Amy  
**Sent:** Thursday, November 2, 2017 12:33 PM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Gordon, Stephen <[gordon.stephen@epa.gov](mailto:gordon.stephen@epa.gov)>; Brennan, Thomas <[Brennan.Thomas@epa.gov](mailto:Brennan.Thomas@epa.gov)>  
**Cc:** Reaves, Doretta <[Reaves.Doretta@epa.gov](mailto:Reaves.Doretta@epa.gov)>  
**Subject:** FW: EPA Announces Public Hearing on Proposed Repeal of Clean Power Plan

Hi, just got this out to all my groups. And giving it to Doretta. Amy



U.S. ENVIRONMENTAL PROTECTION AGENCY  
**NEWS RELEASE**  
[WWW.EPA.GOV/NEWSROOM](http://WWW.EPA.GOV/NEWSROOM)

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CONTACT: [press@epa.gov](mailto:press@epa.gov)

## EPA Announces Public Hearing on Proposed Repeal of Clean Power Plan

### Hearing will be held November 28-29 in Charleston, WV

WASHINGTON (November 2, 2017) — The U.S. Environmental Protection Agency (EPA) will hold a

public hearing on the proposed repeal of the Clean Power Plan in Charleston, WV on November 28-29, 2017. All persons wanting to speak are encouraged to register in advance.

“The EPA is headed to the heart of coal country to hear from those most impacted by the CPP and get their comments on the proposed Repeal Rule. The agency looks forward to hearing from all interested stakeholders,” said **EPA Administrator Scott Pruitt**.

**What:** Public hearing on proposed repeal of the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (commonly known as the Clean Power Plan).

**When:** November 28-29, 2017. The hearing will convene each day 9:00 a.m. (Eastern Standard Time) and will conclude at 5:00 p.m. If the EPA receives a high volume of requests, we may continue the public hearing to November 30, 2017. The EPA may also hold an additional hearing to be announced at a later date. See the website for updates about the hearing.

**Where:** West Virginia Capitol Complex, 1900 Kanawha Boulevard East, Charleston, West Virginia 25305.

Contact: Registration information will be posted at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>

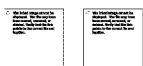
Pre-registration to provide an oral presentation will begin when the notice is published in the Federal Register and close on November 16, 2017. People will be contacted about speaking slots via email starting on November 17, 2017.

Oral comments and supporting information presented at the public hearing will be considered with the same weight as written statements and supporting information submitted during the public comment period. Written comments must be received by the last day of the comment period, which has been extended to January 16, 2018. Comments should be identified by Docket ID No. EPA-HQ-OAR-2017-0355 and may be submitted by one of the methods listed on the Clean Power Plan Proposed Repeal: How to Comment web page.

**Background:** Soon after the previous Administration issued the Clean Power Plan in 2015, 150 entities including 27 states, 24 trade associations, 37 rural electric co-ops, and three labor unions challenged the CPP, highlighting a range of legal and technical concerns. A few months later, the United States Supreme Court stayed the CPP, immediately halting implementation—the first time the Supreme Court had ever issued a stay to block the enforcement of a regulation.

On March 28, 2017, Administrator Pruitt signed a notice indicating the EPA’s intent to review the Clean Power Plan, in accord with the President’s Energy Independence Executive Order. On October 16, the EPA proposed to repeal the Clean Power Plan, proposing that it is not consistent with the Clean Air Act. EPA is now taking comment on that proposal and has extended the public comment period to January 16, 2018.

More information about the public hearing, and the proposed rulemaking can be found online.



Visit the EPA's  
Newsroom

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).  
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

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**From:** Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]  
**Sent:** 12/1/2017 8:22:32 PM  
**To:** Tanner, Lee [Tanner.Lee@epa.gov]  
**Subject:** Fwd: CPP Repeal Rule Hearing

More emails

Begin forwarded message:

**From:** "Palich, Christian" <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>  
**Date:** November 27, 2017 at 2:20:59 PM CST  
**To:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Subject:** RE: CPP Repeal Rule Hearing

I do not have AZ, but UT and NV below.

Mark Compton, (President, Utah Mining Association), cell: Ex. 6 Personal Privacy (PP)  
Dana Bennett, (President, Nevada Mining Association), email: [dana@nevadamining.org](mailto:dana@nevadamining.org), p: Ex. 6 Personal Privacy (PP)

Christian R. Palich  
*Deputy Associate Administrator*  
*Office of Congressional & Intergovernmental Affairs*  
*U.S Environmental Protection Agency*  
*O: 202.564.4944*  
*C: Ex. 6 Personal Privacy (PP)*  
*E: [Palich.Christian@epa.gov](mailto:Palich.Christian@epa.gov)*

---

**From:** Bennett, Tate  
**Sent:** Monday, November 27, 2017 3:00 PM  
**To:** Palich, Christian <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>  
**Subject:** FW: CPP Repeal Rule Hearing

Hey! I have Colorado here below. Do you by chance have Arizona and Utah and Nevada?

Rachel Gleason (President, PA Coal Alliance): [gleason@pacoal.org](mailto:gleason@pacoal.org)  
Bruce Stevens (President, Indiana Coal Council): [bruce@indianacoal.com](mailto:bruce@indianacoal.com)  
Phil Gonet (President, Illinois Coal Association): Ex. 6 Personal Privacy (PP)  
Tyler White (President, Kentucky Coal Association): [twhite@kentuckycoal.com](mailto:twhite@kentuckycoal.com)  
Chuck Laine (President, Tennessee Mining Association): [claine@laine-com.com](mailto:claine@laine-com.com)  
George Barber (President, Alabama Coal Association): [george@alcoal.com](mailto:george@alcoal.com)  
Stan Dempsey (President, Colorado Mining Association): [sdempsey@coloradomining.org](mailto:sdempsey@coloradomining.org)  
Bill Raney (President, WV Coal Association): [braney@wvcoal.com](mailto:braney@wvcoal.com)

---

**From:** Palich, Christian  
**Sent:** Friday, October 20, 2017 11:04 AM  
**To:** Gordon, Stephen <[gordon.stephen@epa.gov](mailto:gordon.stephen@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Subject:** RE: CPP Repeal Rule Hearing

Happy to help anytime. Also I would definitely loop in Jerry Mullins at NMA to help wrangle folks.

[jmullins@nma.org](mailto:jmullins@nma.org)

Christian R. Palich  
*Deputy Associate Administrator*  
*Office of Congressional & Intergovernmental Affairs*  
*U.S Environmental Protection Agency*  
*O: 202.564.4944*  
C: Ex. 6 Personal Privacy (PP)  
E: [Palich.Christian@epa.gov](mailto:Palich.Christian@epa.gov)

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**From:** Gordon, Stephen  
**Sent:** Friday, October 20, 2017 10:59 AM  
**To:** Palich, Christian <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Subject:** RE: CPP Repeal Rule Hearing

Awesome, thanks so much Christian!

-Stephen

---

**From:** Palich, Christian  
**Sent:** Friday, October 20, 2017 10:58 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Gordon, Stephen <[gordon.stephen@epa.gov](mailto:gordon.stephen@epa.gov)>  
**Subject:** FW: CPP Repeal Rule Hearing

Forgot a big one and just remembered, see below.

Travis Deti (President, Wyoming Mining Association): [tdeti@wyomingmining.org](mailto:tdeti@wyomingmining.org)

Christian R. Palich  
*Deputy Associate Administrator*  
*Office of Congressional & Intergovernmental Affairs*  
*U.S Environmental Protection Agency*  
*O: 202.564.4944*  
C: Ex. 6 Personal Privacy (PP)  
E: [Palich.Christian@epa.gov](mailto:Palich.Christian@epa.gov)

---

**From:** Palich, Christian  
**Sent:** Friday, October 20, 2017 10:49 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** Gordon, Stephen <[gordon.stephen@epa.gov](mailto:gordon.stephen@epa.gov)>  
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Rachel Gleason (President, PA Coal Alliance): [gleason@pacoal.org](mailto:gleason@pacoal.org)  
Bruce Stevens (President, Indiana Coal Council): [bruce@indianacoal.com](mailto:bruce@indianacoal.com)  
Phil Gonet (President, Illinois Coal Association): [Ex. 6 Personal Privacy \(PP\)](#)  
Tyler White (President, Kentucky Coal Association): [twhite@kentuckycoal.com](mailto:twhite@kentuckycoal.com)  
Chuck Laine (President, Tennessee Mining Association): [claine@laine-com.com](mailto:claine@laine-com.com)  
George Barber (President, Alabama Coal Association): [george@alcoal.com](mailto:george@alcoal.com)  
Stan Dempsey (President, Colorado Mining Association): [sdempsey@coloradomining.org](mailto:sdempsey@coloradomining.org)  
Bill Raney (President, WV Coal Association): [braney@wvcoal.com](mailto:braney@wvcoal.com)

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**Cc:** "Bowman, Liz" <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>, "Dominguez, Alexander" <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>, "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
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Let me know if you have any questions.

Best,  
Mandy

Sent from my iPhone

Message

---

**From:** Bennett, Tate [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1FA92542F7CA4D01973B18B2F11B9141-BENNETT, EL]  
**Sent:** 11/27/2017 10:50:35 PM  
**To:** Palich, Christian [palich.christian@epa.gov]  
**Subject:** RE: CPP Repeal Rule Hearing

Oh! And the Lignite?

---

**From:** Palich, Christian  
**Sent:** Monday, November 27, 2017 3:21 PM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>  
**Subject:** RE: CPP Repeal Rule Hearing

I do not have AZ, but UT and NV below.

Mark Compton, (President, Utah Mining Association), cell: [Ex. 6 Personal Privacy (PP)]  
Dana Bennett, (President, Nevada Mining Association), email: [dana@nevadamining.org](mailto:dana@nevadamining.org), p: [Ex. 6 Personal Privacy (PP)]

Christian R. Palich  
*Deputy Associate Administrator*  
*Office of Congressional & Intergovernmental Affairs*  
*U.S Environmental Protection Agency*  
*O: 202.564.4944*  
*C: [Ex. 6 Personal Privacy (PP)]*  
*E: [Palich.Christian@epa.gov](mailto:Palich.Christian@epa.gov)*

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**From:** Bennett, Tate  
**Sent:** Monday, November 27, 2017 3:00 PM  
**To:** Palich, Christian <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>  
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Chuck Laine (President, Tennessee Mining Association): [claine@laine-com.com](mailto:claine@laine-com.com)  
George Barber (President, Alabama Coal Association): [george@alcoal.com](mailto:george@alcoal.com)  
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Bill Raney (President, WV Coal Association): [braney@wvcoal.com](mailto:braney@wvcoal.com)

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**From:** Palich, Christian  
**Sent:** Friday, October 20, 2017 11:04 AM

**To:** Gordon, Stephen <[gordon.stephen@epa.gov](mailto:gordon.stephen@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>

**Subject:** RE: CPP Repeal Rule Hearing

Happy to help anytime. Also I would definitely loop in Jerry Mullins at NMA to help wrangle folks.

[jmullins@nma.org](mailto:jmullins@nma.org)

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*O: 202.564.4944*  
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---

**From:** Gordon, Stephen

**Sent:** Friday, October 20, 2017 10:59 AM

**To:** Palich, Christian <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>

**Subject:** RE: CPP Repeal Rule Hearing

Awesome, thanks so much Christian!

-Stephen

---

**From:** Palich, Christian

**Sent:** Friday, October 20, 2017 10:58 AM

**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>

**Cc:** Gordon, Stephen <[gordon.stephen@epa.gov](mailto:gordon.stephen@epa.gov)>

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Rachel Gleason (President, PA Coal Alliance): [gleason@pacoal.org](mailto:gleason@pacoal.org)  
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Stephen- I'd also **Ex. 5 Deliberative Process (DP)**

Thank you both!

Sent from my iPad

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**From:** "Gunasekara, Mandy" <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>  
**Date:** October 20, 2017 at 8:30:34 AM CDT  
**To:** "Lyons, Troy" <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>, "Ringel, Aaron" <[ringel.aaron@epa.gov](mailto:ringel.aaron@epa.gov)>, "Palich, Christian" <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>, "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
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**Sent:** 11/27/2017 8:26:51 PM  
**To:** Palich, Christian [palich.christian@epa.gov]  
**Subject:** RE: CPP Repeal Rule Hearing

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**Date:** October 20, 2017 at 8:30:34 AM CDT  
**To:** "Lyons, Troy" <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>, "Ringel, Aaron" <[ringel.aaron@epa.gov](mailto:ringel.aaron@epa.gov)>, "Palich, Christian" <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>, "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** "Bowman, Liz" <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>, "Dominguez, Alexander" <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>, "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** CPP Repeal Rule Hearing

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**Sent:** 10/20/2017 8:11:45 PM  
**To:** Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]  
**CC:** Lyons, Troy [lyons.troy@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Bowman, Liz [Bowman.Liz@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]  
**Subject:** Re: CPP Repeal Rule Hearing

OPE will have a proposed outreach list to share on Monday that will include trades, companies and orgs. We've already started working on it (adding Stephen).

> On Oct 20, 2017, at 9:30 AM, Gunasekara, Mandy <Gunasekara.Mandy@epa.gov> wrote:  
>  
> Team OCIR and OPE:  
>  
> We need to give a heads up to all the good folks of West Virginia that we are having the Repeal Rule public hearing in Charleston, WV. Below are the tentative details. Whoever talks to Sen. Capito gets extra points if you remind her that while previous administrations have expressed a level of discomfort in WV, we are very comfortable going there to talk about these regulatory actions.  
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**Sent:** 10/20/2017 3:27:51 PM  
**To:** Bowman, Liz [Bowman.Liz@epa.gov]  
**CC:** Palich, Christian [palich.christian@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]  
**Subject:** Re: CPP Repeal Rule Hearing

## Ex. 5 Deliberative Process (DP)

Sent from my iPad

> On Oct 20, 2017, at 11:20 AM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

>  
> Let's send a letter from SP to Capito on this...i think conveyed.

### Ex. 5 Deliberative Process (DP)

>  
> -----Original Message-----  
> From: Palich, Christian  
> Sent: Friday, October 20, 2017 10:42 AM  
> To: Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>  
> Cc: Bowman, Liz <Bowman.Liz@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>  
> Subject: RE: CPP Repeal Rule Hearing

> I am happy to reach out to Senator Capito and relay the message.

> Best Regards,

> Christian R. Palich  
> Deputy Associate Administrator  
> Office of Congressional & Intergovernmental Affairs U.S Environmental Protection Agency  
> O: 202-564-4944  
> C: Ex. 6 Personal Privacy (PP)  
> E: Palich.Christian@epa.gov

> -----Original Message-----  
> From: Gunasekara, Mandy  
> Sent: Friday, October 20, 2017 9:31 AM  
> To: Lyons, Troy <lyons.troy@epa.gov>; Ringel, Aaron <ringel.aaron@epa.gov>; Palich, Christian <palich.christian@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>  
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**Sent:** 10/20/2017 3:06:58 PM  
**To:** Palich, Christian [palich.christian@epa.gov]  
**CC:** Gordon, Stephen [gordon.stephen@epa.gov]  
**Subject:** Re: CPP Repeal Rule Hearing

Omg this is great. Storing this for a LONG time! Thank you

Sent from my iPad

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Begin forwarded message:

**From:** "Gunasekara, Mandy" <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>  
**Date:** October 20, 2017 at 8:30:34 AM CDT  
**To:** "Lyons, Troy" <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>, "Ringel, Aaron" <[ringel.aaron@epa.gov](mailto:ringel.aaron@epa.gov)>, "Palich, Christian" <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>, "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Cc:** "Bowman, Liz" <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>, "Dominguez, Alexander" <[dominguez.alexander@epa.gov](mailto:dominguez.alexander@epa.gov)>, "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** CPP Repeal Rule Hearing

Team OCIR and OPE:

We need to give a heads up to all the good folks of West Virginia that we are having the Repeal Rule public hearing in Charleston, WV. Below are the tentative details. Whoever talks to Sen. Capito gets extra points if you remind her that while previous administrations have expressed a level of discomfort in WV, we are very comfortable going there to talk about these regulatory actions.

To make sure we cover everyone, can each office provide a list of who all they plan to reach out to? Want to make sure no one is left out. Also, add anyone to this email that should be looped in.

Please caveat that this is ongoing and subject to change (i.e. We have not signed contracts), but preliminary details include the following:

The Federal Register Notice announcing the hearing is expected to go out the first week in November. Location to be confirmed at the West Virgins State Capitol building in Charleston. It is going to be held the last week in November- 2 or 3 days long.

Let me know if you have any questions.

Best,  
Mandy

Sent from my iPhone

Message

**From:** Davis, Matthew [Davis.Matthew@epa.gov]  
**Sent:** 11/27/2017 11:42:26 PM  
**To:** Ashley, Jackie [Ashley.Jackie@epa.gov]; Noonan, Jenny [Noonan.Jenny@epa.gov]; Cortelyou-Lee, Jan [Cortelyou-Lee.Jan@epa.gov]  
**CC:** Haman, Patricia [Haman.Patricia@epa.gov]; Bowles, Jack [Bowles.Jack@epa.gov]; Gordon, Stephen [gordon.stephen@epa.gov]  
**Subject:** updated VIP list  
**Attachments:** CPP repeal public hearing VIP list 11-27-17.docx

Here's the updated list reflecting the addition of Chad Story's time slot. Let me know if there is anything else I should add or any other updates you all know of.

Thanks,  
Matthew

Name	Affiliation	Date/Time to speak	Contact Information
Senator Shelley Moore Capito (R-WV) ( <b>Aaron Sporck</b> , Economic Development Director for Sen. Capito)	U.S. Senate	Tuesday 9:30-10:00am	Aaron Sporck - <a href="mailto:Aaron_Sporck@capito.senate.gov">Aaron_Sporck@capito.senate.gov</a>  (EPA OCIR – Matthew Davis)
Congressman Evan Jenkins, R-WV ( <b>Michael J. Chirico</b> Deputy Chief of Staff/District Director Congressman Evan H. Jenkins)	U.S. House of Representatives	Tuesday <u>9:10-9:30 a.m.</u>	Daniel Schatz - <a href="mailto:Daniel.Schatz@mail.house.gov">Daniel.Schatz@mail.house.gov</a>  (EPA OCIR – Matthew Davis)
Congressman Alex Mooney (R-WV-02) ( <b>Chad Story</b> , District Director for Rep. Mooney)	U.S. House of Representatives	Tuesday 9:30-10am	Chad Story - <a href="mailto:Chad.Story@mail.house.gov">Chad.Story@mail.house.gov</a>
Patrick Morrissey	West Virginia Attorney General	Tuesday <u>9:10-9:30 a.m.</u>	  (EPA R3 – Mark Ferrell)
Michael Myers	New York State Attorney General's Office	Wednesday, <u>9:30-10:00 a.m.</u>	<a href="mailto:michael.myers@ag.ny.gov">michael.myers@ag.ny.gov</a> <div>Ex. 6 Personal Privacy (PP)</div>
Austin Caperton	West Virginia DEP	Wednesday <u>10:00-10:30 a.m.</u>	<a href="mailto:Austin.Caperton@wv.gov">Austin.Caperton@wv.gov</a> 304-926-0499 <div>Ex. 6 Personal Privacy (PP)</div>
Robert J. Klee	Connecticut Department of Energy and Environmental Protection	Wednesday <u>10:00-10:30 a.m.</u>	<a href="mailto:robert.klee@ct.gov">robert.klee@ct.gov</a> <div>Ex. 6 Personal Privacy (PP)</div>
Rupert "Rupie" Phillips, Jr	West Virginia House of Delegates	Tuesday <u>11:00-11:30 a.m.</u>	<div>Ex. 6 Personal Privacy (PP)</div>

Karan Ireland	City Councilor, Charleston WV	Tuesday <u>10:30-11:00 a.m.</u>	Ex. 6 Personal Privacy (PP)
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Matthew H. Davis  
Office of Congressional Affairs  
U.S. EPA  
1200 Pennsylvania Ave NW, MC 1301A  
Washington, DC 20460  
(202) 564-1267

Message

**From:** Shimmin, Kaitlyn [shimmin.kaitlyn@epa.gov]  
**Sent:** 11/27/2017 5:16:00 PM  
**To:** Gordon, Stephen [gordon.stephen@epa.gov]  
**Subject:** FW: CPP hearing next week  
**Attachments:** CPP repeal public hearing VIP list 11-27-17.docx

Hey Stephen, below is the list of electeds / staff speaking with their expected arrival times. Let me know if you have any questions. Thanks again for your help on this!

**Kaitlyn Shimmin**

*Special Assistant Congressional and Intergovernmental Affairs*

*Office of the Administrator*

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: **Ex. 6 Personal Privacy (PP)**

[Shimmin.Kaitlyn@epa.gov](mailto:Shimmin.Kaitlyn@epa.gov)

---

**From:** Davis, Matthew

**Sent:** Monday, November 27, 2017 12:02 PM

**To:** Shimmin, Kaitlyn <shimmin.kaitlyn@epa.gov>

**Cc:** Ashley, Jackie <Ashley.Jackie@epa.gov>; Terry, Sara <Terry.Sara@epa.gov>; Strine, Lora <Strine.Lora@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>

**Subject:** RE: CPP hearing next week

Kaitlyn,

Attached and pasted below is the updated VIP list that I got from the folks in OAQPS, and it reflects the addition of Sen. Capito's staffer, Aaron. (I sent him his timing confirmation separately, so he should be all set.)

Thanks,

Matthew

Name	Affiliation	Date/Time to speak	Contact Information
Senator Shelley Moore Capito (R-WV) ( <b>Aaron Sporck</b> , Economic Development Director for Sen. Capito)	U.S. Senate	Tuesday 9:30-10:00am	Aaron Sporck - <a href="mailto:Aaron.Sporck@capito.senate.gov">Aaron.Sporck@capito.senate.gov</a>  (EPA OCIR – Matthew Davis)
Congressman Evan Jenkins, R-WV ( <b>Michael J. Chirico</b> Deputy Chief of Staff/District Director Congressman Evan H. Jenkins)	U.S. House of Representatives	Tuesday 9:10-9:30 a.m.	Daniel Schatz - <a href="mailto:Daniel.Schatz@mail.house.gov">Daniel.Schatz@mail.house.gov</a>  (EPA OCIR – Matthew Davis)
Patrick Morrissey	West Virginia Attorney General	Tuesday 9:10-9:30 a.m.	  (EPA R3 – Mark Ferrell)

Michael Myers	New York State Attorney General's Office	Wednesday, <u>9:30-10:00 a.m.</u>	<u>michael.myers@ag.ny.gov</u> Ex. 6 Personal Privacy (PP)
Austin Caperton	West Virginia DEP	Wednesday <u>10:00-10:30 a.m.</u>	<u>Austin.Caperton@wv.gov</u> 304-926-0499, Ex. 6 Personal Privacy (PP)
Robert J. Klee	Connecticut Department of Energy and Environmental Protection	Wednesday <u>10:00-10:30 a.m.</u>	<u>robert.klee@ct.gov</u> Ex. 6 Personal Privacy (PP)
Rupert "Rupie" Phillips, Jr	West Virginia House of Delegates	Tuesday <u>11:00-11:30 a.m.</u>	Ex. 6 Personal Privacy (PP)
Karan Ireland	City Councilor, Charleston WV	Tuesday <u>10:30-11:00 a.m.</u>	

Message

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**From:** Gordon, Stephen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7C8FB4D82BFF4EEC98F5C5D00A47F554-GORDON, STE]  
**Sent:** 11/2/2017 4:42:15 PM  
**To:** Reaves, Doretta [Reaves.Doretta@epa.gov]  
**Subject:** RE: EPA Announces Public Hearing on Proposed Repeal of Clean Power Plan

Yes please do.

Stephen L. Gordon Jr.  
Deputy Director for Public Engagement  
Office of the Administrator  
U.S. Environmental Protection Agency  
(202) 564-1301  
Gordon.Stephen@epa.gov

---

**From:** Reaves, Doretta  
**Sent:** Thursday, November 2, 2017 12:42 PM  
**To:** Gordon, Stephen <gordon.stephen@epa.gov>  
**Subject:** EPA Announces Public Hearing on Proposed Repeal of Clean Power Plan

Hi Stephen, Can I send this out the the EJ and Faith Based Communities? Thank you so much. Doretta

CONTACT: [press@epa.gov](mailto:press@epa.gov)

## EPA Announces Public Hearing on Proposed Repeal of Clean Power Plan

### Hearing will be held November 28-29 in Charleston, WV

**WASHINGTON** (November 2, 2017) — The U.S. Environmental Protection Agency (EPA) will hold a public hearing on the proposed repeal of the Clean Power Plan in Charleston, WV on November 28-29, 2017. All persons wanting to speak are encouraged to register in advance.

“The EPA is headed to the heart of coal country to hear from those most impacted by the CPP and get their comments on the proposed Repeal Rule. The agency looks forward to hearing from all interested stakeholders,” said **EPA Administrator Scott Pruitt**.

**What:** Public hearing on proposed repeal of the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units (commonly known as the Clean Power Plan).

**When:** November 28-29, 2017. The hearing will convene each day 9:00 a.m. (Eastern Standard Time) and will conclude at 5:00 p.m. If the EPA receives a high volume of requests, we may continue the public hearing to November 30, 2017. The EPA may also hold an additional hearing to be announced at a later date. See the website for updates about the hearing.

**Where:** West Virginia Capitol Complex, 1900 Kanawha Boulevard East, Charleston, West Virginia

25305.

Contact: Registration information will be posted at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>

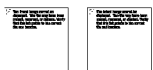
Pre-registration to provide an oral presentation will begin when the notice is published in the Federal Register and close on November 16, 2017. People will be contacted about speaking slots via email starting on November 17, 2017.

Oral comments and supporting information presented at the public hearing will be considered with the same weight as written statements and supporting information submitted during the public comment period. Written comments must be received by the last day of the comment period, which has been extended to January 16, 2018. Comments should be identified by Docket ID No. EPA-HQ-OAR-2017-0355 and may be submitted by one of the methods listed on the Clean Power Plan Proposed Repeal: How to Comment web page.

**Background:** Soon after the previous Administration issued the Clean Power Plan in 2015, 150 entities including 27 states, 24 trade associations, 37 rural electric co-ops, and three labor unions challenged the CPP, highlighting a range of legal and technical concerns. A few months later, the United States Supreme Court stayed the CPP, immediately halting implementation—the first time the Supreme Court had ever issued a stay to block the enforcement of a regulation.

On March 28, 2017, Administrator Pruitt signed a notice indicating the EPA's intent to review the Clean Power Plan, in accord with the President's Energy Independence Executive Order. On October 16, the EPA proposed to repeal the Clean Power Plan, proposing that it is not consistent with the Clean Air Act. EPA is now taking comment on that proposal and has extended the public comment period to January 16, 2018.

More information about the public hearing, and the proposed rulemaking can be found online.



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Newsroom

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).  
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

Message

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**From:** Eugene M.Trisko [Ex. 6 Personal Privacy (PP)]  
**Sent:** 11/28/2017 10:16:01 AM  
**To:** Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]  
**CC:** Dominguez, Alexander [dominguez.alexander@epa.gov]  
**Subject:** UMWA statement CPP repeal  
**Attachments:** UMWA EPA Statement CPP Repeal Allen Trisko 112817 ltrhd.pdf

**Flag:** Follow up

Mandy - Attached is UMWA's statement for the hearing today.

Many thanks to you and Alex for helping with this matter.

Best,

Gene

This e-mail and any attachments should be considered confidential and subject to the attorney-client privilege and work product doctrine.

If you believe that you have received this e-mail by mistake, please delete all copies from your server and notify the sender by reply to:

Eugene M. Trisko  
Attorney at Law  
P.O. Box 596  
Berkeley Springs, WV 25411

[Ex. 6 Personal Privacy (PP)] cell

[Ex. 6 Personal Privacy (PP)]

This e-mail and any attachments should be considered confidential and subject to the attorney-client privilege and work product doctrine.

If you believe that you have received this e-mail by mistake, please delete all copies from your server and notify the sender by reply to:

Eugene M. Trisko  
Attorney at Law  
P.O. Box 596  
Berkeley Springs, WV 25411

[Ex. 6 Personal Privacy (PP)] cell

[Ex. 6 Personal Privacy (PP)]



**STATEMENT OF LEVI D. ALLEN, INTERNATIONAL SECRETARY-TREASURER  
AND  
EUGENE M. TRISKO, COUNSEL  
BEFORE THE U.S. ENVIRONMENTAL PROTECTION AGENCY  
CHARLESTON, WV  
NOVEMBER 28, 2017**

**RE: EPA PROPOSAL TO REPEAL THE CLEAN POWER PLAN**

Good morning.

I am Gene Trisko, Counsel to the United Mine Workers of America. Accompanying me is Levi D. Allen, International Secretary-Treasurer of the UMWA. We are here on behalf of UMWA's active and retired members to support EPA's proposed repeal of the Clean Power Plan.

The UMWA was among the first of several labor unions to challenge the Clean Power rule in federal court. We did so for two reasons: first, the rule itself was illegal because it overstepped the bounds of EPA's authority under the Clean Air Act - a position later affirmed by the Supreme Court order staying implementation the rule; and second, because the rule would lead to the elimination of about two-thirds of the nation's coal mining jobs and related electric utility coal generation. The UMWA could not accept these devastating consequences for its members and their families and communities. EPA itself admitted that the rule would have little or no measurable impact on global climate change.

On October 16, 2017, EPA issued a proposed rule to repeal the Clean Power Plan in its entirety based on the legal conclusion that “the CPP exceeds EPA’s statutory authority” to regulate CO<sub>2</sub> emissions from existing fossil-fueled power plants under section 111(d) of the Clean Air Act (CAA).<sup>1</sup>

Let us summarize some of the key reasons why we are here today to support EPA's proposed repeal of the Clean Power Plan:

**1. EPA lacks the legal authority to require States to set CO<sub>2</sub> performance standards based on measures that are beyond the fence line of power plants.**

The proposed repeal rule provides a detailed analysis of EPA’s Clean Air Act authority based on the following considerations: the statutory text in section 111(d) of the CAA; the legislative history of this provision; prior agency practice in setting performance standards based on physical or operational measures that can be taken at individual sources; the broader statutory context on the limitations of setting performance standards under other Clean Air Act regulatory programs; and the policy concerns of establishing performance standards that have transformational economic and energy effects.

UMWA supports EPA’s interpretation that the Clean Power rule exceeded EPA’s statutory authority, and we believe that the agency's legal analysis provides strong and compelling grounds for repeal of the rule. We particularly object to EPA's use of generating shifting measures under building blocks 2 and 3 of the rule - effectively mandating that utilities switch from coal to natural gas and expand their reliance on renewable energy. Solar and wind power are not even regulated under the Clean Air Act, and do not emit any of the pollutants subject to section 111(d) of the Act.

Leaving aside the issue of whether EPA has authority to set performance standards based on these beyond-the-fence measures, there are strong public policy grounds to adhere to EPA's prior practice of setting performance standards based only on physical or operational measures that can be taken at or applied to individual sources. It is not just illegal but also bad public policy for EPA to adopt a rule that dictates to West Virginia and to other states their future energy mixes, and picks "winners and losers" as this rule plainly does. It also is not just illegal but bad public policy for EPA to adopt a rule that seeks to transform the nation's electric supply system by eliminating coal in favor of natural gas and renewable energy. This is not a legitimate role for

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<sup>1</sup> 82 Fed. Reg. 48,035 (October 16, 2017).

EPA – it is well outside its legal authority under the Clean Air Act and beyond its area of technical expertise.

## **2. Severability of Building Block 1 Inside the Fence Measures**

EPA’s proposal to repeal the Clean Power in its entirety is based on the determination that the energy efficiency measures under building block 1 are not “severable and separately implementable” with the proposed invalidation of the generation shifting measures under building blocks 2 and 3 of the rule. In particular, EPA concludes in its proposal that the rule’s building block 1 measures do not “stand on their own” and therefore cannot be effectively implemented due to the “rebound effect” that would result once EPA repeals building blocks 2 and 3. This rebound effect would result from the projected increase in CO<sub>2</sub> emissions due to the improved competitiveness and increased generation by coal plants implementing heat rate improvements under building block 1.

UMWA agrees with EPA that it is appropriate to repeal the rule in its entirety, instead of revising the rule to require CO<sub>2</sub> performance standards based only on building block 1 efficiency measures. However, EPA’s legal basis for repealing the Clean Power rule in its entirety should not be based on a conclusion that building block 1 is not severable and separately implementable due to a “rebound effect.” The objective of section 111(d) is not to achieve specific emission reduction goals or levels for individual sources or the source category as a whole. Rather, the statute establishes a technology-based regulatory program that requires states to impose on affected sources standards of performance that reflect “best system of emission reduction” – without regard to the amount of emission reductions that can be gained by the application of those performance standards.

Instead, we believe that a total repeal of the Clean Power Plan rule is necessary because building blocks 2 and 3 exceed EPA’s statutory authority, and because building block 1 is fatally flawed due to serious technical shortcomings in the EPA analysis. The 4% efficiency improvement called for by building block 1 of the Clean Power rule is simply not achievable by most power plants. Many plants already have optimized their efficiency in the course of retrofits needed to comply with other EPA regulations such as the 2005 CAIR rule, the 2012 mercury MATS rule, and the 2011 and 2016 Cross State Air Pollution rules. EPA should develop a separate legal basis for repealing the building block 1 measures included in the rule, independent of the rebound

effect cited in the proposal. This legal basis should be premised on the major technical flaws inherent with EPA's analysis for establishing building block 1 control measures.

### **Replacement of the Clean Power Plan**

In the preamble to the proposed repeal rule, EPA notes that it plans to issue in the near term an advanced notice of proposed rulemaking (ANPR) on whether it should adopt a new rule to replace the Clean Power rule, as well as possible alternative regulatory approaches that the agency could take for regulating CO<sub>2</sub> emissions from existing power plants.

UMWA strongly supports the adoption of a replacement rule if EPA repeals the Clean Power rule, and stands ready to work with the agency to develop an effective and workable replacement rule that is consistent with Clean Air statutory requirements - a rule that will give states the primary authority to implement unit-by-unit standards of performance consistent with section 111(d).

### **Reform of the New Source Review Program**

EPA's proposed repeal of the Clean Power rule limits the regulatory focus of any future replacement rule to those on-site measures that can be applied to, at, or for a particular power plant. This means that the ability to implement heat rate improvements and other plant efficiency measures will be critical for maximizing the CO<sub>2</sub> emission reductions from existing power plants.

EPA should initiate a separate, parallel rulemaking to reform the new source review (NSR) program. The complexity and arbitrariness of the current NSR plant modification rules are major deterrents for the power sector to invest in efficiency improvements that can achieve substantial additional CO<sub>2</sub> emission reductions. Easing this regulatory barrier should increase the CO<sub>2</sub> emission reductions achievable at existing power plants – both in general and as states implement a future replacement rule.

Thank you for this opportunity. We are happy to take any questions.

Message

---

**From:** Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]  
**Sent:** 10/19/2017 7:56:30 PM  
**To:** Dunham, Sarah [Dunham.Sarah@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]  
**CC:** Dominguez, Alexander [dominguez.alexander@epa.gov]; Harlow, David [harlow.david@epa.gov]  
**Subject:** Fwd: Public Hearing CPP Repeal

Sent from my iPhone

Begin forwarded message:

**From:** "Jackson, Ryan" <jackson.ryan@epa.gov>  
**Date:** October 19, 2017 at 3:34:37 PM EDT  
**To:** "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>  
**Subject:** RE: Public Hearing CPP Repeal

Of course.

-----Original Message-----

From: Gunasekara, Mandy  
Sent: Thursday, October 19, 2017 3:24 PM  
To: Jackson, Ryan <jackson.ryan@epa.gov>  
Subject: Public Hearing CPP Repeal

Are you okay with having the public hearing for CPp Repeal in Charleston, WV? Looking at last week in November.

Sent from my iPhone

Message

---

**From:** Bowman, Liz [Bowman.Liz@epa.gov]  
**Sent:** 11/3/2017 8:11:25 PM  
**To:** DeLuca, Isabel [DeLuca.Isabel@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]  
**CC:** Dunham, Sarah [Dunham.Sarah@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Millett, John [Millett.John@epa.gov]  
**Subject:** RE: talkers on additional hearing requests

Thank you, I have been getting a lot of requests for additional meetings also, and wasn't really sure what to say – so I have been saying something similar, but not as detailed.

---

**From:** DeLuca, Isabel  
**Sent:** Friday, November 3, 2017 3:48 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>; Dominguez, Alexander <dominguez.alexander@epa.gov>  
**Cc:** Dunham, Sarah <Dunham.Sarah@epa.gov>; Lewis, Josh <Lewis.Josh@epa.gov>; Millett, John <Millett.John@epa.gov>  
**Subject:** talkers on additional hearing requests

Hi all,

We've been getting multiple requests for additional hearings on the Clean Power Plan. The letters can be entered into the EPA correspondence management system for official response (that process can take a little while), but in the interim here is a draft statement in case OPA or the regions get questions.

At this time, EPA has one hearing scheduled on the proposed repeal of the Clean Power Plan, in Charleston, West Virginia on November 28-29<sup>th</sup>, 2017. The agency looks forward to hearing from all interested stakeholders.

If the EPA receives a high volume of requests, we may continue the public hearing to November 30, 2017. EPA may also hold an additional hearing to be announced at a later date.

The EPA's Web site for the rulemaking, which includes the proposal and information about the hearing, can be found at: <https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan>.

Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing. Written comments on the proposed rule may be submitted to the EPA electronically, by mail, by facsimile or through hand delivery/courier. Please refer to the proposal (82 FR 48035) for the addresses and detailed instructions. The period for providing comments to the EPA will remain open until January 16, 2018.

If you have edits or concerns, please let me know.

Thanks!  
Isabel

Isabel DeLuca  
Office of Air and Radiation, US EPA

Ex. 6 Personal Privacy (PP)

Message

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**From:** Millett, John [Millett.John@epa.gov]  
**Sent:** 10/30/2017 4:11:15 PM  
**To:** Bowman, Liz [Bowman.Liz@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Konkus, John [konkus.john@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]  
**CC:** Dunham, Sarah [Dunham.Sarah@epa.gov]; DeLuca, Isabel [DeLuca.Isabel@epa.gov]; Lewis, Josh [Lewis.Josh@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Harlow, David [harlow.david@epa.gov]  
**Subject:** CPP ANPRM and Hearing Comms Drafts  
**Attachments:** Comm Plan ANPRM EGU GHG 10-27-2017 DRAFT.DOCX; FS ANPRM EGU GHG 10-27-17 DRAFT.DOCX; Comm Plan CPP public hearing\_FINAL 2017 10 25.docx  
  
**Flag:** Follow up

Hi All – Attached are the communications drafts for two upcoming actions --

Possible actions and timing:

## Ex. 5 Deliberative Process (DP)

Isabel and I are happy to field any comments, edits or questions.

Thanks –

John

~~~~~  
John Millett  
Director, OAR Communications  
Desk: 202-564-2903  
Cell: Ex. 6 Personal Privacy (PP)

Draft, deliberative, not for distribution

Communications Plan  
Clean Power Plan Proposed Repeal - Public Hearing  
(Docket ID No. EPA-HQ-OAR-2017-0355)  
October 2017

**Key Points (2-3 phrases)**

- EPA will hold a public hearing Nov. 28-29 in Charleston, WV, on the proposed repeal of the Clean Power Plan.
- EPA has proposed that the CPP is not consistent with the Clean Air Act
- EPA is also extending the comment period until Jan. 16, 2018

**Brief background**

The previous Administration issued the CPP on October 23, 2015. Soon after the rule was final, 150 entities including 27 states, 24 trade associations, 37 rural electric co-ops, and three labor unions challenged the CPP highlighting a range of legal and technical concerns. By December 1, 2015, a bipartisan majority of the United States Congress formally disapproved of the CPP pursuant to the Congressional Review Act. On February 9, 2016, the United States Supreme Court stayed the CPP immediately halting implementation. The Supreme Court had never before issued a stay to block the enforcement of a regulation.

On March 28, 2017, President Trump signed the Energy Independence Executive Order which called, among other things, for a review of the Clean Power Plan and, if appropriate, reconsideration proceedings to suspend, revise, or rescind the rule. On the same day, Administrator Pruitt signed a notice indicating EPA's intent to review and, if appropriate, to propose to revise or rescind the Clean Power Plan. The U.S. Court of Appeals for the D.C. Circuit has been holding Clean Power Plan litigation in abeyance since April 28, 2017. On October 16, EPA proposed to repeal the Clean Power Plan and is taking comment on that proposal.

**Desk statement/press release:**

EPA will hold a public hearing Nov. 28-29 in Charleston, WV, on the proposed repeal of the Clean Power Plan. EPA has proposed that the CPP is not consistent with the Clean Air Act. More information, including the process for registering to speak, is available at [PLACEHOLDER FOR WEB ADDRESS]

**Web Update**

- Add "Public Hearing" page to EGU Stationary Source area of the Web
  - Registration form will go live later – at publication
- Put links to "Public hearing" on other CPP proposed repeal web pages

**Ex. 5 Deliberative Process (DP)**

[ PAGE \\* MERGEFORMAT ]

Draft, deliberative, not for distribution

- Tribes
- Regions
- NGOs

#### Tick Tock

##### Day of Signature

- Heads up to regions
- Hill notifications
- Issue press release (?)
- Post Public Hearing web page
- State, tribes, other notifications

##### Day of publication

- Make registration form live on web

#### Q&As

##### **Q. Why is EPA holding the hearing in West Virginia?**

It is important to hear from a broad range of perspectives, so EPA traditionally has held public hearings in various locations.

We anticipate elected officials, representatives from various industries and environmental groups, as well as the general public, will participate by providing oral testimony.

##### **Q. Will EPA hold additional hearings in other locations?**

At this time, EPA is planning to hold one, multi-day public hearing in Charleston, WV.

##### **Q. How can I register to speak?**

Registration will begin on the day the public hearing notice is published in the Federal Register. More details and a registration form will be available online at [ HYPERLINK "https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan" ]

Once the EPA learns how many people have registered to speak at the public hearing, we will allocate speaking times, allowing time for necessary breaks. In addition, a block of time will be reserved for anyone in the audience who wants to give testimony.

##### **Q. How many comments does EPA have on the proposed CPP repeal?**

[PLACEHOLDER]

##### **Q. How does this relate to the ANPRM?**

XXXX

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OAQPS Email List

## **Ex. 5 Deliberative Process (DP)**

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